

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.03.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.5830 of 2019

K.Ravi

... Petitioner

vs.

1.Joint Commissioner of Labour/
Appellate Authority under the
Payment of Gratuity Act, 1972
O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18

2.Assistant Commissioner of Labour,
Authority under the Payment of
Gatuity Act, 1972,
O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18.

3.The Management,
Coimbatore District Central
Co-operative Bank Ltd.,
State Bank Road,
Coimbatore-18

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorrari calling for the records relating to the order of the first respondent in A.G.A.No.233 of 2004, dated 03.02.2006 and quash the same as illegal, arbitrary and unconstitutional and also in violation of Principles of natural justice.

For Petitioner

..

Mr.C.Murugesan

For Respondents

...

Mr.J.Ramesh,A.G.P.

ORDER

The writ petition has been filed challenging the order passed by the first respondent/appellate authority constituted under the Payment of Gratuity Act, 1972, on 03.02.2006.

2.The facts of the case are that the petitioner had retired from the services of the third respondent Management on 31.10.2002. He was paid gratuity amount on his retirement of a sum of Rs.4,52,558/-. However, according to the petitioner he was entitled to additional amount towards gratuity and an application was filed way back in the year 2003, which was numbered as G.A.No.587 of 2003 for payment of balance gratuity amount of Rs.69,624/-. In the said application, on behalf of the third respondent, a counter affidavit was filed opposing the claim of the petitioner. The original authority allowed the application on 23.03.2004, directing the third respondent to pay the balance gratuity amount of Rs.69,624/- with 10% simple interest. As against the said order, the third respondent preferred an appeal in A.G.A.No.233 of 2004 before the first respondent. The first respondent, after taking note of the materials and pleadings thereof, allowed the appeal as early as on 03.02.2006. Aggrieved by the said order, the present petition has been filed by the petitioner.

3.Admittedly 14 years have elapsed from the date of the first respondent passing the order and the petitioner being aggrieved of the same has not disclosed anything in the affidavit as to why it as taken 14 years to file the writ petition. The conduct of the petitioner in casually approaching this Court without any explanation cannot be appreciated.

4.It is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by taking his own time and approaching this Court after 14 years. This Court is of the view that the writ petition is hopelessly time barred and hit by severe laches. These nature of matters cannot be entertained and the same needs to be rejected outright.

5.For the aforesaid reasons, this Court finds that the writ petition is not maintainable on the ground of laches and the same is rejected.

In the result, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

msk

To

1.Joint Commissioner of Labour/
Appellate Authority under the
Payment of Gratuity Act, 1972
O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18

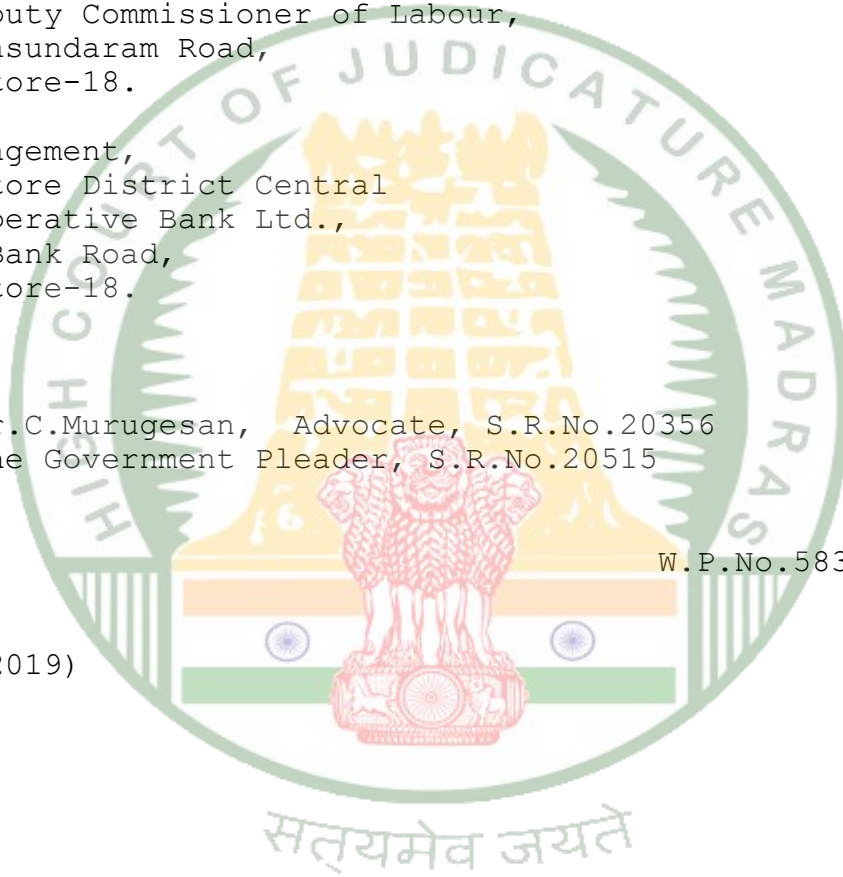
2.Assistant Commissioner of Labour,
Authority under the Payment of
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O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18.

3.The Management,
Coimbatore District Central
Co-operative Bank Ltd.,
State Bank Road,
Coimbatore-18.

+1cc to Mr.C.Murugesan, Advocate, S.R.No.20356
+1cc to the Government Pleader, S.R.No.20515

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BS (CO)
GN(05/04/2019)



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